



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Robert G. Burnley
Director

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MINUTES

STATE WATER CONTROL BOARD

October 3, 2002 - House Room C

General Assembly Building

Richmond, Virginia

Board Members Present:

Hunter E. Craig, Chairman

H. Preston Futrell, Jr.

Leroy O. Pfeiffer, Jr.

Katherine E. Slaughter

Gary H. Baise, Vice-Chairman

Karl F. Wenger

Carol C. Wampler

Staff Present:

Robert G. Burnley, Director
Department of Environmental Quality

Cindy M. Berndt
Department of Environmental Quality

Attorney General's Office:

Rick Linker, Assistant Attorney General

- 1) The attached minutes summarize activities that took place at this Board Meeting.
- 2) The meeting was convened at 9:30 a.m. on Thursday, October 3, 2002, recessed at 11:10 a.m., reconvened at 11:25 p.m. and adjourned at 1:50 p.m.

Approved M.M.#1
Jan. 6, 2003



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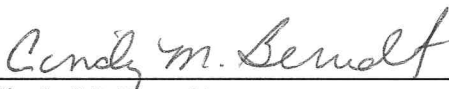
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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 3, 2002

MINUTE NO. 1 - Minutes

The Board approved the Minutes from the February 8, 2002 and May 6, 2002 meeting.



Cindy M. Berndt



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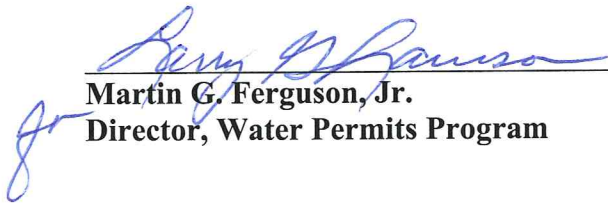
MINUTE NO. 2 - Permit Terminations

Martin G. Ferguson, Jr., Director of the Water Permits Program of the Department of Environmental Quality's Central Office introduced the staff recommendation concerning the termination of three VPDES permits and one VPA permit.

Board Decision

Based on the briefing materials and the staff presentation and recommendations, the Board voted unanimously to approve the terminations of permits for:

Stuart M. Perry, Inc. - Winchester	VA0002739
Stuart M. Perry, Inc. - Berryville	VA0002721
Traveler's Motel	VA0062413
Dynachem Technologies, Inc.	VPA01070


Martin G. Ferguson, Jr.

Director, Water Permits Program

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DEPARTMENT OF ENVIRONMENTAL QUALITY

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Secretary of Natural Resources

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Robert G. Burnley
Director

Michael D. Overstreet
Regional Director
(276) 676-4800

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCT 3, 2002

MINUTE NO. 3 - Consent Special Order With Civil Charges

Dallas Sizemore of the Department of Environmental Quality, Southwest Regional Office introduced the staff recommendations concerning the proposed Consent Special Order for Pounding Mill Quarry Corporation (Pounding Mill).

Pounding Mill owns and operates three underground storage tanks at their quarry operation in Tazewell County. A January 17, 2001 inspection of the facility revealed that the Company had failed to implement a leak-detection and record's keeping program as required by the underground storage tank regulations. Staff worked with the company through phone calls, letters, and finally a letter-of-agreement to bring the facility into compliance. When these efforts failed the staff negotiated the proposed Consent Special Order which required Pounding Mill to: 1) install an approved leak detection method by May 15, 2002, 2) submit monthly leak detection reports, 3) submit an amended tank registration form, and 4) pay a \$2,320 civil charge.

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Board Decision:

Based on the staff recommendations, the Board unanimously voted to:

OCT 24 2002

1. approve the Consent Special Order for Pounding Mill Quarry Corporation,
2. authorize the Director or his designee to sign the Order on its behalf, and to
3. authorize the Director or his designee to refer any violations of the Order to the Attorney General's Office for appropriate legal action.

DEQ - OD

Michael D. Overstreet
Regional Director



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 3, 2002

MINUTE NO. 4 – Report on Facilities in Significant Noncompliance

Kathleen O'Connell, Water Enforcement Coordination Manager presented to the Board the Report on Facilities in Significant Noncompliance for the quarter ending June 2002. The facilities and their reported instances of noncompliance were:

1. Town of Luray – Failure to meet effluent limits
2. City of Alexandria – Failure to meet effluent limits
3. Department of Corrections, Coffeewood – Failure to meet effluent limit
4. Town of Purcellville – Failure to meet effluent limits, failure to meet construction schedule
5. Fairfax County – Failure to meet effluent limit, failure to meet construction schedule
6. Town of Wytheville – Failure to meet effluent limits
7. City of Galax – Overflows
8. Henrico County – Overflows, failure to meet effluent limits
9. Du Pont Teijin Films – Failure to meet effluent limits

The Board accepted the report.

A handwritten signature in dark ink, reading "Kathleen F. O'Connell".

Kathleen F. O'Connell
Water Enforcement Coordination Manager



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 3, 2002

MINUTE NO. 5 – Cancellation of Consent Special Orders

Kathleen O'Connell, Water Enforcement Coordination Manager, presented to the Board six consent special orders for cancellation. The orders to be cancelled were issued to:

1. White Packing Co., Inc.
2. Honeywell International, Incorporated (formerly Allied Corporation)
3. Rehrig International, Incorporated
4. South Anna Service Corporation
5. Virginia State Golf Association, Inc.
6. Joseph Ziadeh

The Board unanimously approved cancellation of the referenced orders.

A handwritten signature in black ink, reading "Kathleen F. O'Connell".

Kathleen F. O'Connell
Water Enforcement Coordination Manager



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 3, 2002

MINUTE NO. 6 – Cancellation of Consent Special Order – Mr. D. J. Cooper, Hardy Road Trailer Park

Kathleen O'Connell, Water Enforcement Coordination Manager, and Robert Steele, Senior Enforcement Specialist made a presentation to the Board regarding cancellation of the consent special order issued to Mr. D. J. Cooper. The order was issued on October 13, 1998 and amended December 13, 2001. The order contained requirements for corrective action and interim effluent limits for the Hardy Road Trailer Park sewage treatment lagoon. Ms. O'Connell and Mr. Steele explained to the Board that the order was presented for cancellation because Mr. Cooper had failed to comply with order's requirements. Therefore, the staff argued, Mr. Cooper should not be allowed the interim protection that the order afforded from regulatory requirements.

Ms. O'Connell explained that should the Board approve cancellation of the order the staff intended to seek a unilateral order, under the provisions of §10.1-1186, requiring Mr. Cooper to immediately comply with applicable regulatory requirements, through cessation of discharges from the lagoon. The Board, after some discussion, voted six to one to approve cancellation of the consent special order. Mr. Gary Baise was the sole Board member to oppose cancellation.

A handwritten signature in black ink, reading "Kathleen F. O'Connell".

Kathleen F. O'Connell
Water Enforcement Coordination Manager

CB



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Robert G. Burnley
Director
Steven A. Dietrich
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 3, 2002

MINUTE NO. 7 - West Central Regional Office Consent Special Order

Robert Steele of the Department of Environmental Quality, West Central Regional Office introduced the staff recommendations concerning the proposed Consent Special Order for Martinsville Emulsion Products Co., Inc.

Board Decision

Based on the staff recommendations, the Board voted unanimously to:

1. Approve the Consent Special Order for:
Martinsville Emulsion Products Co., Inc.
2. Authorize the Director or his designee to sign the Order on its behalf; and
3. Authorize the Director or his designee to refer any violations of the Order to the Attorney General's Office for appropriate legal action.

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A handwritten signature in cursive script that reads "Steven A. Dietrich".

Steven A. Dietrich, P.E.
Regional Director
West Central Regional Office



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OCT 18 2002

COMMONWEALTH of VIRGINIA

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DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

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Robert G. Burnley
Director

Thomas L. Henderson
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 3, 2002

MINUTE NO. 8 - South Central Regional Office Consent Special Order

Thomas L. Henderson of the Department of Environmental Quality, South Central Regional Office, introduced the staff recommendation concerning the proposed Consent Special Order for the Town of Blackstone.

Board Decision

A motion was made to delete the civil charge – 1 aye, 6 nay
Based on the staff recommendations, the Board voted 6 aye and 1 nay to:

1. Approve the Consent Special Order for:

the Town of Blackstone
2. Authorize the Director or his designee to sign the Order on its behalf; and
3. Authorize the Director or his designee to refer any violations of the Order to the Attorney General's Office for appropriate legal action.



Thomas L. Henderson
Regional Director
South Central Regional Office



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DEPARTMENT OF ENVIRONMENTAL QUALITY

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Robert G. Burnley
Director

Gregory L. Clayton
Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 3, 2002

MINUTE NO. 9 - Consent Special Orders

The Department of Environmental Quality's ("DEQ") Northern Virginia Regional Office ("NVRO") presented one proposed amended Consent Special Order and four proposed Consent Special Orders for the Board's consideration.

Ms. Elizabeth Anne Crosier of the DEQ NVRO made the staff presentation concerning the proposed Orders. Mr. Robert Fuscaldo, Chairman of the Board of Supervisors for King George County, and William Crie, consultant for King George County, spoke briefly in support of the proposed amended Order regarding the Dahlgren wastewater treatment plant. Dr. Wenger, State Water Control Board member, noted his objection to requiring payment of civil charges by local governments including King George County and the Town of Middleburg. Following the presentation, Ms. Crosier made the staff recommendations regarding the proposed Orders.

The proposed Order regarding the Noman M. Cole pollution control plant extends the deadline by which Fairfax County must achieve compliance with final Permit effluent limits for ammonia until January 1, 2003, and provides interim effluent limits until that date.

The proposed amended Order regarding the Dahlgren wastewater treatment plant ("WWTP") includes a revised schedule of compliance that requires King George County to complete the upgrade of the WWTP and achieve compliance with final Permit effluent limits by August 2004 and provides interim effluent limits for ammonia and metals until the upgrade is complete. The amended Order also requires that the County pay a civil charge of \$4,200.

The proposed Order regarding the Evergreen Country Club sewage treatment plant includes a schedule for construction of a new facility by Evergreen Country Club with an anticipated completion date of February 2004. The Order provides interim effluent limits for the existing plant while construction of the new facility is underway. In addition, Evergreen Country Club has agreed to pay

a civil charge of \$3,800 pursuant to the Order.

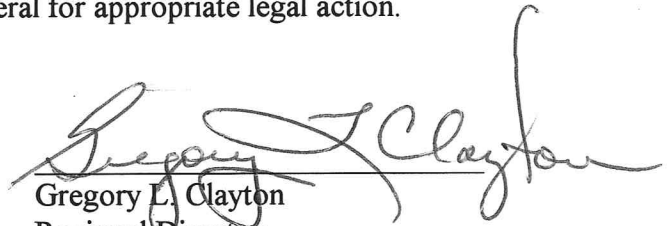
The proposed Order regarding the Middleburg wastewater treatment plant ("WWTP") requires that the Town of Middleburg pay a civil charge of \$400.00 for failing to submit a permit application and monitoring data by the deadlines established in the WWTP's Permit.

The proposed Order regarding the Loudoun County Schools Dominion High School Complex requires that Loudoun County Schools conduct a comprehensive wetlands training seminar for County personnel to ensure future compliance with laws and regulations regarding wetlands. The training took place on August 15, 2002.

Decision

Based on the briefing material and the staff presentation and recommendations, the Board voted unanimously to:

1. Approve the proposed Consent Special Orders regarding the Noman M. Cole, Jr. pollution control plant, the proposed amended Consent Special Order regarding the King George County Dahlgren wastewater treatment plant, and the proposed Consent Special Orders regarding the Evergreen Country Club sewage treatment plant, the Middleburg wastewater treatment plant, and Loudoun County Schools Dominion High School Complex.
2. Authorize the Director or his designee to sign the Orders on the Board's behalf; and
3. Authorize the Director or his designee to refer violations of the Orders to the Office of the Attorney General for appropriate legal action.


Gregory L. Clayton
Regional Director
Northern Virginia Region



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

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Robert G. Burnley
Director

Gerard Seeley, Jr.
Piedmont Regional Director

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT IT'S MEETING ON OCTOBER 3, 2002

MINUTE NO. 10 - Consent Special Orders with Penalty Settlements

Mr. James Golden, Piedmont Regional Office, introduced the staff recommendations concerning the proposed Consent Special Order Settlements for Carpenter Company, Andrew James, Jr., DuPont Teijin Films, Honeywell International Inc., TA Operating Corporation, and Hank Wilton d/b/a The Wilton Companies.

Carpenter Co. had an unpermitted discharge of Toluene Diisocyanate (TDI) to state waters on December 2001. Approximately 6,600 gallons of TDI was spilled when a rail tank car was prematurely removed during unloading operations. A signaling system was in place to let the railroad know when the unloading operation was completed. This signaling system failed and the tank car was moved by accident. This procedure has since been modified to prevent the problem from reoccurring. Of the 6,600 gallons of TDI released to state waters, approximately 3,574 gallons was recovered. TDI forms a solid upon contact with water. The solid TDI was removed from the stream. The order requires pneumatic plugs be installed in the stormwater system so that the pipes and valves can be blocked which will prevent an unpermitted discharge to state waters. This system is designed to be activated away from the site of the discharge. The order also provides for a \$10,000 civil charge. The order requires the pneumatic plugs be installed by October 1, 2002. Due to the recent rains, the facility requested until October 8th to complete the installation of the pneumatic drain plugs. This request was granted.

The J. C. Brown Oil Company installed 5 underground storage tanks (USTs) at Ashes General Merchandise with the provision that Ashes General Merchandise would use their product. Mr. Andrew James as the President of J. C. Brown Oil Company signed as the owner of the USTs. In 1995, the store closed and Ashes General Merchandise had the tanks removed. During the removal process, the pit was observed containing petroleum contaminated soil. Mr. James assumed responsibility for the remediation of the site. In January 1999, the J. C. Brown Oil Company was sold and the J. C. Brown Oil Company ceased to exist. Four groundwater monitoring wells were installed. In March 25, 1998, the first of two groundwater monitoring samples were collected and provided to the Department. The groundwater monitoring ceased after the submittal of the second

sampling event. This prevented the Department from being able to make a final determination that sufficient corrective action had been taken. The Order requires the groundwater monitoring events be completed and provides for the payment of a \$700 civil charge.

DuPont Teijin Films had two separate upset events at their treatment plant in 2001. These upsets caused BOD and CBOD violations above permitted effluent limits. In late June 2001, the facilities' research and development teams began mixing chemicals on site in an attempt to develop a number of new film coatings for the market. The chemicals had a toxic effect on the sludge biology of the treatment process. It took several months for the treatment process to recover. Starting in September and continuing into October, an upset occurred with their clarifier that led to BOD violations. Dupont, with the help of a consultant, discovered and corrected a problem with the polymer and the polymer feed procedure. On September 17, 2001, a residual chlorine violation occurred as a result of a free chlorine vs. total chlorine sampling logic flaw. The operators monitor free chlorine in the cooling towers and based on past data they assumed that total residual chlorine was in compliance at the outfall. This assumption resulted in a violation. Dupont plans to put a sanuril dechlorination unit in for cooling tower blowdowns. Dupont reported a phosphorous permit limit exceedance on the October 2001 DMR. Dupont has stopped the manual addition of phosphorous to the aeration basins, which they add to prevent nutrient deficiency in the biological treatment process. A needs/benefits analysis from the enhanced nutrient feed system will be conducted. The Order requires Dupont to develop a coating evaluation program for the testing of chemical compounds and recipes used in the production and development of film coatings, a report evaluating the benefit of upgrading the nutrient feed system, a Corrective Action Plan (CAP) to address the chlorine violations due to cooling tower blowdowns, develop a written plan formalizing training and communication for wastewater system operations and the disposal of abnormal wastewaters, and submit a revised operation and maintenance (O&M) manual for the wastewater treatment plant. The Order also requires payment of a \$4,200 civil charge.

The Honeywell International Inc. (Hopewell Plant) Order addresses four unauthorized discharges that resulted in permit effluent violations. Honeywell reported 4 ammonia effluent violations and two unpermitted discharges in Area 11 in July and September 2000. In December the facility reported an unpermitted discharge of Methyldiethanolamine (MDEA) when the main compressor at their Kellogg Ammonia Plant shutdown. This discharge resulted in an exceedance of their Total Organic Carbon (TOC) permit limit. In October 30, 2001, Honeywell reported a spill of sodium hydroxide which resulted in a fish kill. During the negotiation of the Order, Honeywell completed all actions necessary to address and prevent similar events from occurring. The Order, requires the payment of a \$47,280 civil charge.

TA Operating Corporation d/b/a Travel Centers of America owns and operates a truck stop known in Hanover County as Richmond Travel Center. The proposed Order addresses effluent violations of total suspended solids, total phosphorous, and ammonia reported by Travel Centers of America between May and October 2001. Travel Centers of America agreed to hire a consultant to conduct a diagnostic evaluation of the treatment system. Recommendations from the evaluation will be used to develop a corrective action plan (CAP) to bring the facility back into compliance with its permit. In addition, the Order also requires payment of a \$4,500 civil charge.

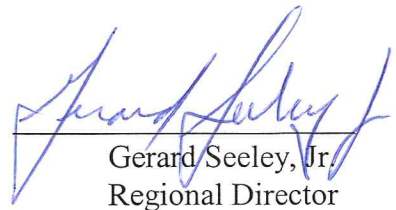
Mr. Hank Wilton of The Wilton Companies was issued a General Permit in December 2001, to construct a commercial shopping center known as John Rolfe Commons in western Henrico County. The General Permit requires that compensatory mitigation documentation be submitted to the Department within 60 days of permit issuance noting that the US Army Corps of Engineers has debited the required wetland mitigation credits from the James River Mitigation Bank Ledger. Instead of creating new wetlands, the Company chose to purchase 2.66 acres of wetland mitigation credits from the James River Mitigation Landbank. The Order requires that the Company purchase the wetland mitigation credits from the James River Mitigation Landbank by August 1, 2002. These mitigation credits have now been purchased. The Order also requires the submittal of documentation that verifies by September 1, 2002, that the U.S. Army Corps of Engineers has debited the required credits from the James River Mitigation Landbank. This documentation has since been provided. The Order contains a \$2,500 civil charge.

Board Decision

Based on the staff presentation and recommendations, the Board voted unanimously to:

1. Approve the Consent Special Orders for :

Carpenter Company
Andrew James, Jr.
DuPont Teijin Films
Honeywell International, Inc.
TA Operating Corporation
Hank Wilton d/b/a The Wilton Companies
2. Authorize the Director or his designee to sign the Orders on its behalf; and
3. Authorize the Director or his designee to refer any violation of these Orders to the Attorney General's Office for appropriate legal action.



Gerard Seeley, Jr.
Regional Director

CB.



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Francis L. Daniel
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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT IT'S MEETING ON OCTOBER 3, 2002

MINUTE NO. 11 – TRO Consent Special Orders

Commercial Ready-Mix Products, Inc. – Franklin

Magnolia Run Apartment, LLC

Delaware Cornerstone Builders

Royster-Clark, Inc.

City of Hampton and Hampton Roads Sanitation District

City of Portsmouth – Lake Kilby Water Treatment Plant

Maria Nold, Environmental Program Planner in the Department of Environmental Quality's Tidewater Regional Office introduced the staff recommendations concerning six Consent Special Orders with civil charges.

Commercial Ready-Mix Products, Inc. - Franklin

Commercial Ready Mix Products, Inc. owns and operates a concrete ready-mix plant located in Franklin, VA. The facility failed to submit sampling results for August and September 2001 and February 2002. pH levels, as monitored by DEQ, during the September and February inspections exceeded the permit limits. In addition, during the September inspection, DEQ staff noted operational deficiencies, and observed a drop inlet that is not listed on their permit.

No comments were received during the public comment period. The Order requires Commercial to: (1) submit a permit application reflecting proposed storm water control measures and inclusion of previously unpermitted outfall 002; (2) construct and implement measures to control storm water flow on site; and (3) continue and include monitoring, sampling, and reporting of discharges at outfall 001 and 002. The order includes a civil charge of \$3, 750.

Magnolia Run Apartment, LLC

Magnolia Run Apartment, L.L.C. is in the process of building a 200-unit apartment complex in Virginia Beach, VA, called Magnolia Run Apartments. The order addresses

the construction of the apartments, which started more than 2 days before the submission of the registration statement for a VPDES storm water general permit. Reportedly, construction activity occurred for 1 week before the registration statement was approved.

No comments were received during the public comment period. The Order requires Magnolia Run Apartment, LLC to pay a \$500 civil charge.

Delaware Cornerstone Builders

On October 31, 2001, DEQ staff investigated a complaint at the Yorktown Naval Weapons Station that oil from three electrical transformers was dumped into a hole during the demolition of a building. Delaware Cornerstone Builders was the contractor for the demolition. The total amount of oil dumped into the hole was approximately 31 gallons. A Navy subcontractor excavated and disposed of the oil-contaminated soil. DEQ has signed off on the clean-up of the site. The oil was analyzed and does not contain PCBs and DEQ has no evidence of surface or groundwater contamination.

The Order requires the payment of a \$2,329 civil charge. No comments were received during the public comment period.

Royster-Clark, Inc.

Royster-Clark was reissued VPDES Permit VA0003875 on 1/23/01. Part I.A of the permit requires the discharge at outfalls 001, 002 and 003 to have a pH between 6.0 and 9.0. The Company did not comply with their pH limit on 14 occasions. The Company also failed to sample for any parameters in 12/00 and did not turn in a DMR for the fourth quarter of 2001. Part I.B of the Permit contains sampling requirements and permit limits for whole effluent toxicity at outfalls 002 and 003. The reports were not submitted in accordance with the permit. Part I.C. of the Permit contains a four year compliance schedule for upgrading the facility to meet ammonia limits at outfalls 001, 002, and 003. The schedule requires that they submit an upgrade plan by 4/10/01. The plan and associated progress reports were not submitted. Part I.E. of the permit requires annual acute toxicity testing of outfall 001 for storm water evaluation. The first toxicity test was not submitted.

The proposed order will require the owner to comply with their permit, Storm Water Pollution Prevention Plan and Operations and Maintenance manual. They will also be required to make up the missed toxicity tests and will be placed under a new upgrade schedule to comply with the ammonia limit. The Order includes a civil charge of \$10,000. No comments were received during the public comment period.

City of Hampton and Hampton Roads Sanitation District

Hampton owns a sanitary sewer collection system that connects to the regional sanitary sewer system owned by Hampton Roads Sanitary District ("HRSD"). The City of Hampton and HRSD have been the subject of previous consent orders (1990, 1995, and 1998) regarding the rehabilitation of the sewage collection system. The City has spent

approximately 0.5 million dollars to correct problems in the Claremont collection area, the subject of the 1998 consent order. Although Hampton and HRSD complied with the requirements of these orders, infiltration and overflow problems continue to exist. DEQ records show that 27 sewage overflows were reported in 2001, an unusually dry year, five of which were estimated to exceed 1,000 gallons.

The proposed order will require the City to complete the following:

- install approximately 25 magnetic flow meters in the Claremont and Bridge Street service areas;
- TV the lines and manholes in the Claremont service area and develop a plan and schedule for repair work (to be incorporated into the Order); and
- smoke test and TV the lines and pump stations in the Bridge Street Service area and develop a plan and schedule for repair work (to be incorporated into the Order).

HRSD will be required to install a permanent flow meter at the Bridge Street Pump Station and to monitor, evaluate, and analyze flow meters installed at Hampton boundaries for effectiveness of their infiltration/inflow reduction program.

No comments were received during the public comment period.

City of Portsmouth – Lake Kilby Water Treatment Plant

During Hurricane Floyd (September 16, 1999), the Lake Kilby Water Treatment Plant was inundated and significantly damaged. The earthen embankment of the residuals lagoon was supersaturated by the flood waters and the exterior slope of the embankment subsided in five places weakening the entire 2,000 foot embankment. The following day, the operators lowered the level of the lagoon to prevent a catastrophic failure. The lower lagoon level did not allow sufficient water depth for settling of the solids and the facility was not able to meet their total suspended solids limits. The residuals lagoon contained 20 years worth of residuals (solids and alum sludge) and a significant quantity escaped. The plant violated its permit limits in February, March and April of 2001. In September, 2001, DEQ inspected Savage Pond and became aware of downstream impacts.

The proposed order will require Portsmouth to dredge the residuals from Lake Savage and restore the Lake. In addition, the City will be required to develop a long-term residuals management plan. A letter was received during the public comment period from the City of Suffolk requesting more dredging of the Lake than originally proposed. The dredging plan was modified to include additional dredging.

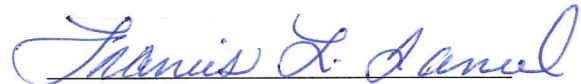
Board Decision

Based on the staff recommendation, the Board voted unanimously to:

1. Approve the Consent Special Orders for Commercial Ready-Mix Products, Inc. – Franklin, Magnolia Run Apartment, LLC, Delaware Cornerstone Builders, Royster-

Clark, Inc., City of Hampton and Hampton Roads Sanitation District, and City of Portsmouth – Lake Kilby Water Treatment Plant;

2. Authorize the Director or his designee to sign the order on its behalf; and
3. Authorize the Director or his designee to refer any violation of the order to the Attorney General's Office for appropriate legal action.



Francis L. Daniel
Director, Tidewater Regional Office



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 3, 2002

MINUTE NO. 12 - VRO - Consent Orders with Civil Charges

R. Bradley Chewning, Regional Director of the VRO, introduced Edward Liggett, VRO enforcement staff. Mr. Liggett made a staff presentation and introduced the staff recommendations concerning a proposed VRO Consent Special Order with civil charges and Supplemental Environmental Projects (SEP) for Highland Oil Company, Inc., et al and proposed Consent Special Orders with civil charges for Ladd Convenience Center, Stonebrook Swim & Racquet Club and Valley View Mobile Home Court.

Highland Oil Company, Inc., et al. - This Consent Order resolves violations of the State Water Control law and regulations at eight sites owned by Lawrence Watson under three corporate names: Highland Oil Company, Inc., Maury River Oil Company, Inc., and Reynolds Chevron, Inc. The facilities are located in Augusta County, Highland County, Rockbridge County, Rockingham County, and the City of Lexington. Six of the facilities are owned by the Highland Oil Company:

--The Highland Oil bulk plant is a bulk oil storage facility located in Highland County. It was referred for enforcement action for the failure to address AST compliance deficiencies and a delayed response to a small, confirmed release of petroleum from one of the ASTs. The CSO contains a schedule to correct the AST compliance deficiencies, and if required by DEQ, provide an SCR Addendum or a CAP to address the petroleum release.

--East Lexington Store is an UST facility in Lexington which was referred for the failure to upgrade its USTs to meet the 1998 UST compliance deadlines. The CSO contains a schedule to correct these deficiencies.

Minute No. 12

Page 2

--Kerr's Creek General Store is an UST facility in Lexington which was referred for the failure to upgrade its USTs to meet the 1998 UST compliance deadlines and for a delayed response to a confirmed release of petroleum from the USTs. Highland Oil has now removed all its USTs from the site. The CSO contains a schedule to complete the corrective action under an approved CAP to clean up the release of petroleum.

--Riverside Auto Clinic is an UST facility in Augusta County referred for the failure to upgrade its USTs to meet the 1998 UST compliance deadlines. The facility also had a confirmed release of petroleum from one of the USTs which was properly responded to by the company. Highland has now removed its USTs from the site and submitted proper closure documentation.

--3-B BP Station is an UST facility in Augusta County which was referred for the failure to upgrade its USTs to meet the 1998 UST compliance deadlines. The facility also had a confirmed release of petroleum from one of the USTs, which was properly responded to by the company. The CSO contains a schedule to complete repair on the impressed current system to meet the 1998 compliance requirements. The CSO also required Highland Oil to implement an approved CAP to address the confirmed release of petroleum on site.

--Village Market was an UST facility in Rockingham County which was referred for enforcement action after failing to submit proper closure documentation for its USTs. This documentation has now been submitted.

DEQ calculated a civil charge of \$72,574 for these apparent violations. However, Highland Oil provided financial information documenting its inability to pay this civil charge in addition to the approximately \$187,000 cost to comply with the corrective action required under the Order. A civil charge will, therefore, not be assessed.

--Maury River Oil Company is an AST facility located in Lexington, VA. The facility was referred for the failure to meet AST compliance regulations. The CSO contains a schedule to address these deficiencies. The Order contains a civil charge of \$6,641 for these violations. \$4,981 of this civil charge will be satisfied by completion of an SEP to replace some underground piping with above-ground piping and to add ball valves to prevent releases in the event of a pipe failure. The balance of \$1,660 will be remitted to DEQ.

--Reynolds Chevron Inc. is a facility located in the Town of Glasgow in Rockbridge County which has both ASTs and USTs. The AST facility was referred for the failure to meet AST compliance regulations. The CSO contains a schedule to address these deficiencies. The Order contains a civil charge of \$2,183 for these violations. The UST facility was referred for the failure to upgrade its USTs to meet the 1998 UST compliance deadlines and for a delayed response to a confirmed release of petroleum from one of the USTs. The CSO contains a schedule to address the compliance deficiencies. The confirmed release has now been properly abated. The Order contains a civil charge of \$15,194 for these violations. The combined civil charge for the Reynolds Chevron violations is \$17,377. \$5,330 of this civil charge will be satisfied by completion of an SEP to install a Release Prevention Barrier and a visual monitoring system for the ASTs, and to replace an existing diesel line with double-walled piping for enhanced release detection. The balance of \$12,047 will be remitted to DEQ.

The Order received public notice in local newspapers for Augusta, Highland, Rockbridge, and Rockingham Counties, as well as the Virginia Register and on DEQ's website. The public notice period for the proposed Order closed on August 29, 2002 and no public comment was received.

Ladd Convenience Center, Inc. (Ladd) is the owner and operator of six underground storage tanks in Augusta County, Virginia. DEQ staff conducted an inspection of the USTs on May 23, 2000, and discovered a number of regulatory violations. These included failure to perform release detection on the USTs and their associated piping, and failure to properly maintain and test the cathodic protection system for the USTs. DEQ notified Ladd of these findings in a July 18, 2000 Warning Letter. Ladd responded by entering into a Letter of Agreement in August 2000 agreeing to comply with the UST regulations by October 2000. Ladd failed to comply with the Letter of Agreement. DEQ subsequently issued an NOV to Ladd for these continuing violations. During Consent Order negotiations, Ladd sought relief from the penalty by submitting Ability to Pay documentation to the DEQ. DEQ found Ladd to be able to pay the civil charge.

As of January 2002, Ladd had complied with the technical requirements of the UST regulations. Ladd has until October 31, 2002, to comply with the requirements for Financial Assurance. The proposed Order includes a civil charge of \$6,757.

The public notice period for the proposed Order closed on August 29, 2002 and no public comment was received.

The Stonebrook Swim and Racquet Club (Stonebrook) is a private recreational facility located in Winchester, Virginia. Under the terms of its VPDES permit, Stonebrook discharges treated sewage into Opequon Creek. On October 10, 2001, and on October 31, 2001, staff of DEQ's Valley Regional Office conducted inspections of the STP. Based on these inspections and a review of DEQ's files for Stonebrook, DEQ issued a Notice of Violation citing violations of State Water Control Law resulting from improper reporting, improper maintenance and violations of effluent limits. Under the terms of the proposed Order, Stonebrook has hired a part time licensed wastewater operator and has implemented a set of corrective measures to return the STP to compliance with the permit. The Order includes a civil charge of \$2,100.

The public notice period for the proposed Order closed on August 15, 2002 and no public comment was received.

Under the terms of a VPDES permit, Valley View Mobile Home Court (or Valley View) owns and operates a sewage treatment plant which serves a mobile home park in Rockingham County, Virginia. The facility is presently subject to a Consent Order that became effective November 17, 1998. The 1998 Order required Valley View to submit a corrective action plan to bring the facility into consistent compliance with all Permit requirements if effluent sampling demonstrated that the facility could not comply with final limitations. In November 1998, the facility began to experience difficulty complying with the Permit's effluent limitations for ammonia. The facility has experienced chronic effluent limitation violations, primarily ammonia, and has been in continuous noncompliance with its Permit effluent limitations since entering into the 1998 Order.

On February 18, 1999, DEQ made the first of a number of requests for a corrective action plan from Valley View to address the ongoing noncompliance. Although Valley View installed some treatment improvements to foster ammonia treatment in October 2000, the facility has continued to be in continuous noncompliance to the present time.

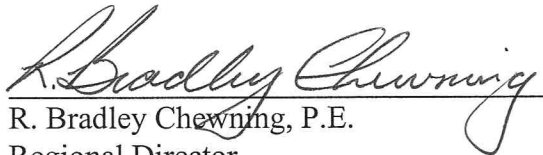
The Order requires Valley View to begin additional process control sampling in the treatment units to determine the performance characteristics of the plant. The Order also requires Valley View to take certain corrective actions at the facility to improve the performance of the plant until it can be taken offline in the fall of 2003 when it will connect to the Rockingham County regional sewage collection system. The Order provides for interim effluent limits pending connection to public sewer. The Order includes a civil charge of \$6,600.

The public notice period for the proposed Consent Order was completed on September 12, 2002, and no adverse public comment was received.

Board Decision

Based on the staff presentation and recommendation, the Board unanimously voted to:

1. approve the Consent Special Order with Civil Charges and SEPs for Highland Oil Company, Inc., et al;
2. approve the Consent Special Orders with Civil Charges for Ladd Convenience Center, Stonebrook Swim & Racquet Club and Valley View Mobile Home Court;
3. authorize the Director or his designee to sign the Orders on its behalf; and
4. authorize the Director or his designee to refer any violations of these Orders to the Attorney General's Office for appropriate legal action.


R. Bradley Churning, P.E.
Regional Director
Valley Regional Office



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 3, 2002


MINUTE NO. 13 – Water Quality Standards - Tier III

Jean Gregory of the Office of Water Quality Programs presented to the Board for their consideration for Tier III, exceptional waters designation three citizen petitions as well as a staff list of seven candidate waters located on federal lands. Ms. Gregory advised the Board that staff had done an initial completeness review of the three citizen petitions and deemed them to be complete and to meet the eligibility criteria as well as requirements of the DEQ Public Participation Guidelines. Board member Wenger questioned whether protection of only the portion of a waterbody located on a federal property would protect it from long term degradation from upstream inputs. Ms. Gregory suggested that citizens could petition for extension of the proposed boundaries for a candidate water to the headwaters. Board member Slaughter asked at what point in the administrative process would citizens have an opportunity to do this. Cindy Berndt from the Office of Policy suggested that the new requirement for publication in the Virginia Register of a notice of a 21 day comment period for the general public would be the appropriate opportunity.

Decision

By unanimous vote the Board directed staff:

1. To proceed with notification to the localities and riparian landowners who would be potentially impacted by an exceptional waters designation for Lake Drummond and portions of Little Stony Creek, Bottom Creek, Ragged Island Creek, Brown Mountain Creek, Laurel Fork, North Fork of the Buffalo River, Pedlar River, Ramseys Draft, and Whitetop Laurel Creek and to provide these potentially impacted parties an opportunity for comment, and
2. To appear before the Board at their next meeting to provide a summary of comments from potentially impacted localities and riparian landowners so that the Board can at that time decide what course of action to take on the petitions.


Larry G. Lawson, P.E.
Director, Division of Water Program Coordination

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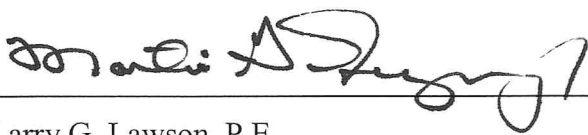
EXCERPT FROM THE PROCEEDINGS OF THE BOARD AT ITS MEETING ON OCTOBER 3, 2002

MINUTE NO. 14 – 9 VAC 25-740-10 et seq. REGULATION FOR WASTEWATER RECLAMATION AND REUSE

Lily Choi recommended that the Board authorize the staff to issue a public notice and hold a public hearing on the revised draft regulation that was presented at the meeting.

Board Decision

The Board voted unanimously to authorize the staff to issue a public notice and hold a public hearing on the proposed Regulation for Wastewater Reclamation and Reuse.



for Larry G. Lawson, P.E.
Director
Division of Water Program Coordination

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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 3, 2002


MINUTE NO.15 - Permanent Regulatory Amendments to Replace Emergency
Regulatory Amendments to 9 VAC 25-20-10 et seq., Fees for
Permits and Certificates.

The staff presented proposed permanent amendments to replace existing emergency amendments to regulation 9 VAC 25-20-10 *et seq.* A revised proposed regulation including changes made to the regulation to correct a date error was also presented to the Board.

Staff recommended that the Board authorize staff to proceed with publication of the proposed amendments to the regulation for public participation and public hearing, including the correction provided at the Board meeting.

Board Decision

The Board voted to proceed with publication of the proposed amendments to the regulation to replace emergency amendments to regulation 9 VAC 25-20-10 *et seq.*, Fees for Permits and Certificates, for public participation and public hearing, including the correction provided at the Board meeting.



Larry G. Lawson, P.E.
Director, Division of Water Program Coordination



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 3, 2002

MINUTE NO. 16 - Modification of the General VPDES Permit for Discharges of Storm Water From Construction Activities (9 VAC 25-180-10 et seq.)

The Board was provided a revised draft of the amended regulation and the staff's summary of public comments and responses prior to the meeting. Burton Tuxford gave a brief overview of the proposed regulation amendments, and discussed the noteworthy changes to the regulation that have been made since the Board last saw the draft. Staff has received certification of statutory authority from the office of the attorney general, and EPA has reviewed the general permit and has no objections.

Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to adopt the amendment to the General VPDES Permit for Discharges of Storm Water From Construction Activities, 9 VAC 25-180-10 et seq. This action was taken with the assertion that the Board will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision of the regulation.


for Larry G. Lawson, P.E.
Director, Water Program Coordination



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 3, 2002

MINUTE NO. 17 - Adoption of the General VPDES Permit for Discharges of Storm Water From Small Municipal Separate Storm Sewer Systems (9 VAC 25-750-10 et seq.)

The Board was provided a revised draft of the regulation and the staff's summary of public comments and responses prior to the meeting. Burton Tuxford gave a brief overview of the proposed regulation, and discussed the noteworthy changes to the regulation that have been made since the Board last saw the draft. Staff has received certification of statutory authority from the office of the attorney general, and EPA has reviewed the general permit and has no objections.

Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to adopt the General VPDES Permit for Discharges of Storm Water From Small Municipal Separate Storm Sewer Systems, 9 VAC 25-750-10 et seq. This action was taken with the assertion that the Board will receive, consider and respond to petitions by any person at any time with respect to reconsideration or revision of the regulation.


for Larry G. Lawson, P.E.
Director, Water Program Coordination



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD
AT ITS MEETING ON OCTOBER 3, 2002

**MINUTE NO. 18 - Virginia Financial Responsibility Regulations
for Mitigation Associated with Tidal Dredging
Projects (9 VAC 25-770 et seq.)**

The Board had been provided a draft of the proposed Financial Responsibility regulation prior to the board meeting. This regulation was proposed as an emergency regulation to comply with the requirements of section 62.1-44.15 (5c) of the Code of Virginia, as mandated by the 2002 General Assembly. Ellen Gilinsky summarized the proposed emergency regulation for the board members and explained why the Department was proposing the regulation as an emergency regulation.

Board Decision

Based on the briefing material and the staff presentation, the Board voted unanimously to adopt the draft regulation (9 VAC 25-770-10 et seq.), as presented by the staff, as an emergency regulation to become effective on or before December 5, 2002.

Larry G. Lawson, P.E.

Director, Water Program Coordination



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 3, 2002

Minute No. 19 – Public Forum

No one appeared during the public forum.



Cindy M. Berndt



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EXCERPT FROM THE PROCEEDINGS OF THE BOARD AT ITS MEETING ON OCTOBER 3, 2002

MINUTE 20 - Development of Virginia's FY 2003 Wastewater Revolving Loan Funding List

Mr. Walter A. Gills, Project Supervisor of the Board's Construction Assistance Program, made a presentation to the Board based on a staff memorandum dated September 4, 2002 in regards to the development of Virginia's Wastewater Revolving Loan project funding list and Intended Use Plan for FY 2003.

Mr. Gills began by referencing the attachments included with the staff's memorandum which provided the Board with a description of the projects being considered and presented the FY 2003 applicants in priority funding order. He summarized the staff's activities in regards to the development of the FY 2003 funding list, briefed the Board on Virginia's anticipated revenue, and discussed the Brownfield remediation loan application.

Mr. Gills briefly reviewed the Median Household Income (MHI) bracketing structure used in establishing interest rates on loans from the Fund. He explained that the structure needed to be updated based on new income data from the 2000 Census in order to maintain the previously established balance of localities in the four categories.

Following discussions, the Board voted unanimously to:

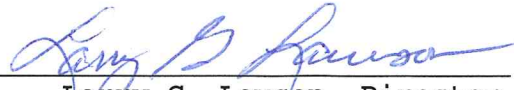
1. Target the following localities for loan assistance from available and anticipated funds, and authorize the staff to present the Board's proposed FY 2003 loan funding list for public comment.

1. Hampton Roads Sanitation District	\$33,000,000
2. Shenandoah County	\$ 3,500,000
3. City of Newport News	\$ 3,200,000
4. Scott County PSA	\$ 500,000
5. Greensville County WSA	\$ 244,300
6. Town of Vinton	\$ 1,975,100
7. Town of Pearisburg	\$ 704,000
8. Augusta County SA	\$ 5,000,000
9. Prince William County SA	\$12,472,593
10. City of Norfolk	\$ 8,170,000
11. Pulaski County SA	\$ 388,151
12. City of Salem	\$ 5,600,000
13. City of Lynchburg	\$ 1,500,000
14. Tazewell County PSA	\$ 1,000,000
15. City of Roanoke	\$17,511,501
16. County of Roanoke	\$ 9,000,000
17. Lee County	\$ 800,000

Total Request	\$104,565,645
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2. Authorize the loan of \$400,000, at an interest rate and term established pursuant to the program's guidelines, to be provided to Blue Ridge Solvents and Coatings, Inc. in Henry, Virginia, contingent upon receipt of a satisfactory credit analysis by Virginia Resources Authority.

3. Accept the proposed modifications to the Wastewater Revolving Loan Program's MHI user charge bracketing structure shown on Attachment C for use in establishing loan interest rates.


Larry G. Lawson, Director
Division of Water
Program Coordination



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 3, 2002

MINUTE NO. 21 - Future Meetings

The Board set December 11, 2002 and March 25, 2003 as the dates of future meetings.



Cindy M. Berndt



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 3, 2002

MINUTE NO. 22 - Drought Report/Water Supply Programs

The Board received a report from Mr. Terry D. Wagner, Division of Water Program Coordination, briefed the Board on the drought situation. In addition, Mr. Wagner gave a report on the Department of Environmental Quality's role in water supply that was presented to the State Water Commission on October 1, 2002.


Cindy M. Berndt



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EXCERPT FROM THE PROCEEDINGS OF THE STATE WATER CONTROL BOARD AT ITS MEETING ON OCTOBER 3, 2002

MINUTE NO. 23 - Potomac River Sludge

Mr. Baise showed the Board a video of a newscast on the discharge from the Washington Aqueduct. Mr. Baise explained that the discharge is from a water treatment facility to the Potomac River. Mr. Burnley, Director of the Department of Environmental Quality, advised the Board that staff would conduct an investigation to determine whether there were any impacts on state waters from the discharge. In addition, The Board directed the Department to prepare a letter to the U.S. Environmental Protection Agency, to be signed, on behalf of the Board, by the Chairman expressing concern with the discharge of excessive solids to the Potomac River.


Cindy M. Berndt